

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

JANINE WEGENG,

Plaintiff,

vs.

PAPA JOHN'S USA, INC.,

Defendant.

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Case No. 05:CV-753 WDS

**DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT**

Defendant Papa John's USA, Inc., ("Papa John's") moves this Court to dismiss with prejudice Plaintiff's Complaint alleging a violation of 42 U.S.C. § 2000e *et seq.* ("Title VII"). Pursuant to Fed. R. Civ. P. 12(b)(6), Papa John's is entitled to the requested relief because Plaintiff fails to state a claim upon which relief can be granted. In the alternative, pursuant to Fed. R. Civ. P. 12(b)(3), Papa John's is entitled to the requested relief because venue is not proper in this Court. Papa John's Brief in Support of its Motion to Dismiss is filed simultaneously and is incorporated herein by reference.

WHEREFORE, Papa John's respectfully requests that this Court enter an Order granting Papa John's Motion, dismissing Plaintiff's Complaint with prejudice, and awarding Papa John's its costs and attorneys' fees incurred in the preparation of this Motion and for all other relief that this Court deems appropriate.

Respectfully Submitted,

**STINSON MORRISON HECKER LLP**

By: /s/ Eric A. Todd  
Eric A. Todd, S.D. Ill. Bar No. 6231350  
Nathan J. Plumb, S.D. Ill. Bar No.6285092  
100 South Fourth Street, Suite 700  
St. Louis, Missouri 63102  
Telephone: (314) 259-4500  
Facsimile: (314) 259-4599

ATTORNEYS FOR DEFENDANT PAPA  
JOHN'S USA, INC.

**CERTIFICATE OF SERVICE**

I hereby certify that on the 19th day of December, 2005, the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon the following:

William E. Moench  
2711 Clifton Ave.  
St. Louis, Missouri 63139  
P 314-647-1800  
F 314-647-1911

ATTORNEY FOR PLAINTIFF

/s/ Eric A. Todd